

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT JOHN WAITE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 06-395
)	Judge Conti
ROBERT SHANNON, <i>et al.</i> ,)	Magistrate Judge Caiazza
)	
)	
Respondents.)	

MEMORANDUM ORDER

Robert John Waite's Petition for Writ of Habeas Corpus was received by the Clerk of Court on March 24, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation, filed on December 14, 2006, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Waite be denied. The Petitioner filed objections (Doc. 20) noting, *inter alia*, that the Magistrate Judge chose not to address the statute of limitations in the report. The matter was again referred to the Magistrate Judge to address the objections (Doc. 21), and a second Magistrate Judge's Report and Recommendation was filed on January 26, 2007, in which it was recommended that the objections

be overruled. The Petitioner has again objected (Docs. 25 and 26), raising the same arguments already addressed by the Magistrate Judge.

After de novo review of the pleadings and documents in the case, together with the Reports and Recommendations, and the objections thereto, the following order is entered:

AND NOW, this 2nd day of March, 2007,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Robert John Waite is denied.

The Reports and Recommendations of Magistrate Judge Caiazza, (Docs. 17 and 22), and dated December 14, 2006, and January 26, 2007, are adopted as the opinion of the court.

March 2, 2007

s/Joy Flowers Conti
Joy Flowers Conti
United States District Judge

cc:
Robert John Waite Waite, CQ-4237
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Ronald M. Wabby, Jr, -Asst D.A.